

UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA

ELIJAH WELLS, by and through  
his mother SUZANNE GLOVER,

*Plaintiff,*

v.

CREIGHTON PREPARATORY  
SCHOOL,

*Defendant.*

Case No 8:21-cv-00322-RFR-SMB

**PLAINTIFF'S MOTION AND  
[PROPOSED] ORDER FOR  
LEAVE FOR ADDITIONAL  
TIME TO RESPOND TO  
MOTION TO DISMISS FIRST  
AMENDED COMPLAINT**

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**NOW COMES** Plaintiff ELIJAH WELLS, by and through his mother SUZANNE GLOVER and his attorneys, The Law Office of Keith Altman, with this PLAINTIFF'S MOTION AND [PROPOSED] ORDER FOR LEAVE FOR ADDITIONAL TIME TO RESPOND TO MOTION TO DISMISS FIRST AMENDED COMPLAINT, hereby states the following:

PLAINTIFF'S MOTION AND [PROPOSED]  
ORDER FOR LEAVE FOR ADDITIONAL  
TIME TO RESPOND TO MOTION TO  
DISMISS FIRST AMENDED COMPLAINT

1. Plaintiffs filed their Complaint in this case on August 24, 2021.  
(ECF 1.)
2. On November 15, 2021, Defendant filed a Motion to Dismiss for Failure to State a Claim. (ECFs 15, 16, 17.)
3. On December 2, 2021, this Court granted Plaintiff's unopposed Motion for additional time to respond to Defendants' Motion to Dismiss for Failure to State a Claim. The deadline was moved from December 6, 2021, to February 1, 2022. As stated in this unopposed Motion, Mr. Altman stated that "The reason for this request is that I have been battling severe health issues impacting my vision. The onset was very quick. My condition worsened over just a few months. I am now legally blind."  
(ECFs 18, 19.)
4. On February 1, 2022, Plaintiff's filed their First Amended Complaint for Violations of Title IX of the Education Act Amendments of 1972, and Breach of Contract. (ECF 20.)

5. On February 11, 2022, Defendants filed their Motion to Dismiss the First Amended Complaint for Failure to State a Claim. (ECFs 22, 23, 24.)
6. On February 11, 2022, immediately upon receiving, Defendant's Motion to Dismiss the First Amended Complaint (ECFs 22, 23, 24), the Altman office contacted Defense Counsel Patrick Flood requesting his agreement to move Plaintiff's response date from February 25, 2022, to March 25, 2022. Mr. Flood responded that "Defendant does not consent." (See Exhibit 1, February 11, 2022, Email exchange.)
7. The reason for this request is, despite the trial and error of accommodations for my new blindness, it still takes me considerably longer to prepare for and execute writing material related to this litigation. (See Exhibit 2, Dr. Runner's confirmation that Mr. Altman is legally blind.)

**WHEREFORE, Plaintiffs, by and through their attorney,**  
and upon good cause showing, we move that Plaintiffs' response

to Defendants' Motion to Dismiss the First Amended Complaint  
for Failure to State a Claim be moved from February 25, 2022, to  
March 25, 2022.

Date: February 15, 2022.

Respectfully Submitted,



Keith Altman, Esq.  
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*Attorneys for Plaintiff*

**IT IS SO ORDERED.**

February \_\_. 2022

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UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on February 15, 2022, I served the foregoing  
**PLAINTIFF'S MOTION AND [PROPOSED] ORDER FOR LEAVE  
FOR ADDITIONAL TIME TO RESPOND TO MOTION TO  
DISMISS FIRST AMENDED COMPLAINT**

on all Parties of record *via* electronic filing (ECF).

A handwritten signature in black ink, appearing to read 'Keith Altman', written over a horizontal line.

Keith Altman  
*Attorney for Plaintiff*